

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *lg* D.C.
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UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS A. TALARICO,

Defendant.

X
X
X
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X
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X
X

Cr. No. 95-20231-D

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

ORDER DENYING MOTIONS FOR GRAND JURY MINUTES AND TRANSCRIPTS

On March 8 and June 15, 2004, defendant, Thomas A. Talarico, filed requests for grand jury minutes or transcripts. (Docket entries 212 and 214) Defendant's motions are without merit.

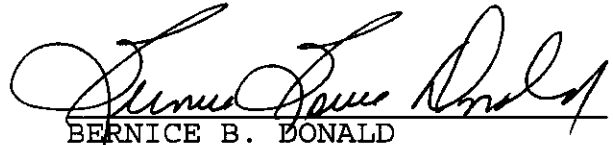
The time for filing a motion to dismiss under Rule 6(b) of the Federal Rules of Criminal Procedure based on irregularities in the indictment is obviously long past, since the defendant was convicted and his previous motion under § 2255 denied. See United States v. Talarico, No. 00-2611-D/A (W.D. Tenn. Mar. 21, 2001), certificate of appealability denied, No. 01-5520 (6th Cir. Jan. 22, 2002); United States v. Talarico, No. 98-5380, 1999 WL 435182 (6th Cir. June 18, 1999).

The defendant does not have a motion under § 2255 pending in this Court. The present motion gives no indication that he could demonstrate that a new motion would not be an abuse of the writ. See In Re Hanserd, 123 F.3d 922, 934 (6th Cir. 1997). Furthermore, he would also have to receive permission from the Court of Appeals for the Sixth Circuit before filing any further motion under §

2255. See In re Sims, 111 F.3d 45, 47 (6th Cir. 1997). He is not entitled to disclosure of the grand jury records.

Accordingly, the motions are without merit and are DENIED.

IT IS SO ORDERED this 27th day of October, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



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Honorable Bernice Donald
US DISTRICT COURT